

ORIGINAL

Approved: \_\_\_\_\_

KIMBERLY J. RAVENER

Assistant United States Attorneys

Before: THE HONORABLE SARAH NETBURN  
 United States Magistrate Judge  
 Southern District of New York



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UNITED STATES OF AMERICA

: SEALED COMPLAINTDOC # 1

- v. -

CHRISTOPHER BONIFACIO,

Defendant.

: Violation of  
 21 U.S.C. §§ 812,  
 841(a)(1), 841(b)(1)(C);  
 18 U.S.C. § 924(c); 18  
 U.S.C. § 922(g)(1)  
 and 2

: COUNTY OF OFFENSE:  
 BRONX

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SOUTHERN DISTRICT OF NEW YORK, ss.:

DAVID WILSON, being duly sworn, deposes and says that  
 he is a Special Agent with Bureau of Alcohol, Tobacco, Firearms  
 and Explosives ("ATF"), and charges as follows:

COUNT ONE

1. On or about June 28, 2015, in the Southern  
 District of New York, CHRISTOPHER BONIFACIO, the defendant,  
 unlawfully, intentionally, and knowingly did distribute and  
 possess with intent to distribute a controlled substance, to  
 wit, mixtures and substances containing a detectable amount of  
 cocaine base, in a form commonly known as "crack."

(Title 21, United States Code, Sections 812, 841(a)(1), and  
 841(b)(1)(C).)

COUNT TWO

2. On or about June 28, 2015, in the Southern  
 District of New York, CHRISTOPHER BONIFACIO, the defendant,  
 during and in relation to a drug trafficking crime for which he  
 may be prosecuted in a court of the United States, namely, the

offense charged in Count One of this Complaint, knowingly did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, to wit, a loaded 9 millimeter Mini Firestorm pistol.

(Title 18, United States Code, Section 924(c)(1)(A).)

COUNT THREE

3. On or about June 28, 2015, in the Southern District of New York, CHRISTOPHER BONIFACIO, the defendant, after having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess in and affecting commerce a firearm, to wit, a loaded 9 millimeter Mini Firestorm pistol, which previously had been shipped and transported in interstate and foreign commerce.

(Title 18, United States Code, Sections 922(g)(1) and 2.)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

4. I am a Special Agent with Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") and have been personally involved in the investigation of this matter. I have been employed by the ATF for approximately 15 years and am currently assigned to the Violent Gangs Unit. This affidavit is based upon my personal participation in the investigation of this matter, my conversations with law enforcement agents, witnesses and others, as well as my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

5. Based on my conversations with two officers ("Officer-1" and "Officer-2") with the New York Police Department ("NYPD"), who participated in the arrest of CHRISTOPHER BONIFACIO, the defendant, I have learned, among other things, the following:

a. On or about the afternoon of June 28, 2015, Officer-1 and Officer-2 (collectively, the "Officers") were in

uniform in the vicinity of East Kingsbridge Road and Morris Avenue in the Bronx, New York.

b. The Officers observed BONIFACIO walking with two other individuals ("Companion-1" and "Companion-2," together, the "Companions") in the vicinity of East Kingsbridge Road and Jerome Avenue. The Officers recognized BONIFACIO and the Companions. Based on their training and experience, the Officers believed BONIFACIO to be a member of a gang and believed him to be present in rival territory. The Officers also understood that BONIFACIO had recently been the victim of a shooting in the Bronx, and that the shooting of BONIFACIO was allegedly related to gang violence.

c. The Officers observed BONIFACIO and the Companions jaywalk across the intersection of Jerome Avenue and 196th Street towards Parkview Terrace. The Officers observed BONIFACIO and the Companions walk towards a building past the intersection, 2776 Parkview Terrace.

d. Officer-1 and Officer-2 approached BONIFACIO and the Companions. Officer-1 instructed BONIFACIO to come towards him and asked BONIFACIO whether he had identification. BONIFACIO stated "No." Officer-1 then asked, in sum and substance, "What's in the bag, Chris?," referring to a backpack worn by BONIFACIO. BONIFACIO responded, in sum and substance, "It's just clothes. You wanna see?" The Officers observed BONIFACIO take the backpack off, unzip the main compartment, and flip through the main compartment's contents to reveal folded clothing in the backpack. BONIFACIO placed the backpack on the ground between himself and the Officers.

e. As the Officers watched BONIFACIO place the backpack on the ground, the Officers heard a loud sound consistent with a heavy or metal object hitting the ground. Officer-1 directed BONIFACIO to step away from the backpack, and picked up the backpack to move it away from BONIFACIO. As Officer-1 lifted the backpack, the Officers observed an L-shaped bulge in the back side of the backpack.

f. Officer-1 touched the outside of the back side of the backpack and felt a hard object. Officer-1 noticed that the backpack had a pocket on the back side, reached inside the pocket, and felt a gun.

g. The Officers arrested BONIFACIO and the Companions and had BONIFACIO and the Companions transported to the police station.

h. At the police station, the Officers conducted a strip search of BONIFACIO and the Companions. Officer-1 participated in the strip search.

i. During the strip search of BONIFACIO, Officer-1 directed BONIFACIO to turn around and squat. When BONIFACIO squatted, Officer-1 observed a white object near BONIFACIO's genitals. Officer-1 asked BONIFACIO, in sum and substance, what the object was, and BONIFACIO stood up and attempted to adjust the object.

j. As BONIFACIO attempted to adjust himself, Officer-1 observed the object fall to the ground. Officer-1 then observed that the object was a plastic-wrapped collection of more than thirty smaller plastic bags, each of which appeared to contain a white, powdery, rock-like substance.

k. Based on Officer-1's training and experience, he believed the substance inside the plastic bags to be crack cocaine.

6. Based on my review of NYPD records prepared in connection with the arrest of CHRISTOPHER BONIFACIO, the defendant, I have learned that the firearm BONIFACIO was carrying was a loaded 9 millimeter Mini Firestorm pistol.

7. Based on my training and experience, and my communications with other law enforcement agents, including a Special Agent from the Bureau of Alcohol, Tobacco, Firearms and Explosives who is familiar with the manufacturing of firearms, I know that 9 millimeter Mini Firestorm pistols are not and have never been manufactured in New York State.

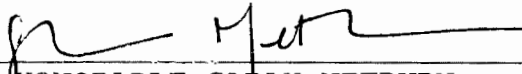
8. I have reviewed criminal history records pertaining to CHRISTOPHER BONIFACIO, the defendant, which show that BONIFACIO was convicted on or about May 4, 2012, in Passaic County Superior Court, New Jersey, of receipt of stolen property in the third degree, in violation of N.J. Rev. Stat. § 2C:20-7, a felony, which is punishable by imprisonment for more than one year.

WHEREFORE, deponent respectfully requests that a warrant be issued for the arrest of CHRISTOPHER BONIFACIO, the defendant, and that he be arrested and imprisoned or bailed, as the case may be.



Special Agent David Wilson  
Bureau of Alcohol, Tobacco, Firearms  
and Explosives

Sworn to before me this  
30th day of June, 2015



THE HONORABLE SARAH NETBURN  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK